

Joint Standing Committee on Natural Resources

LD 21

An Act Relating to MTBE

PUBLIC 709

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP	OTP-AM MAJ	H-1067
LIBBY	OTP-AM MIN	

LD 21 proposed to prohibit the sale of gasoline or fuel products that are treated with MTBE.

Committee Amendment "A" (H-1067), the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and change the title to reflect the content of the amendment. This amendment proposed:

1. to establish certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE;
2. to require the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State;
3. to direct the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive;
4. to establish as a goal for the department in its work in regional forums the elimination of MTBE in gasoline sold in Maine by January 1, 2003 in a manner that adequately accounts for market constraints related to supply and pricing and, based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact;
5. to require the department to make annual reports to the Joint Standing Committee on Natural Resources on progress made in regional efforts to remove MTBE from gasoline; and
6. to authorize the Joint Standing Committee on Natural Resources to report out legislation on MTBE in gasoline.

Committee Amendment "B" (H-1068), the minority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill. This amendment proposed:

1. to establish a maximum contaminant level of MTBE in drinking water of 25 parts per billion;
2. to establish certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE;
3. to require the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State;

4. to direct the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive;
5. to establish a prohibition on the use of MTBE in gasoline in the State after January 1, 2003 but to allow the department to suspend or delay this date if the commissioner finds that the prohibition will result in market constraints related to supply and pricing or will result in alternatives to MTBE that will cause greater environmental impact than the use of MTBE;
6. to require the department to make annual reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters on MTBE; and
7. to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation on MTBE in gasoline.

Enacted law summary

Public Law 1999, chapter 709 establishes certain labeling requirements for motor fuel dispensers that dispense automobile gasoline containing MTBE; requires the Department of Environmental Protection to monitor and report on the levels of MTBE being brought into the State; directs the department to undertake all reasonable efforts to promote and be an active participant in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive; establishes as a goal for the department in its work in regional forums the elimination of MTBE in gasoline sold in Maine by January 1, 2003 in a manner that adequately accounts for market constraints related to supply and pricing and, based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact; requires the department to make annual reports to the Joint Standing Committee on Natural Resources on progress made in regional efforts to remove MTBE from gasoline; and authorizes the Joint Standing Committee on Natural Resources to report out to any session of any legislature legislation on MTBE in gasoline.

LD 1080

An Act to Direct State Capital Investments to Locally Designated Growth Areas

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY COWGER	ONTP	

LD 1080 proposed to define growth-related capital investment and to require that growth-related capital investments by the State be made only in locally designated growth areas as identified in local comprehensive plans or, if there is no comprehensive plan, to areas with public sewers capable of handling the development. Exceptions could be made for state investments required to remedy threats to public health and safety; to mitigate nonpoint sources of pollution; to purchase lands for parks, open space or conservation; to assist natural resource-based industries and other activities that are typically located away from other development; to expand highways that meet national, state or regionwide needs; and for tourist and cultural facilities that rely on specific historic, natural or cultural resources.

See P.L. 1999, chapter 776.

LD 1209

**An Act Regarding Property Owners Whose Land Abuts a Solid or
Special Waste Landfill**

PUBLIC 691

Sponsor(s)
TRACY

Committee Report
OTP-AM

Amendments Adopted
H-1028

LD 1209 proposed to provide that persons who owned property abutting a landfill prior to the development of the landfill would be entitled to receive 5% of the tipping fees as compensation for interference with the use and enjoyment of the property. They would also be entitled to have the licensee of the landfill or the State pay for semiannual water testing.

Committee Amendment "A" (H-1028) proposed to require that biannual testing of private water supply wells be performed at the written request of a person who owns property abutting a commercial solid waste disposal facility that accepts special waste for landfilling and to require the licensee to pay for the testing. The amendment proposed to require a licensee to provide owners of property abutting the facility with written notice of their right to water quality testing. The amendment proposed to require that the testing be conducted by a certified laboratory selected by the property owner and in a manner specified by and meeting criteria developed by the Department of Environmental Protection.

Enacted law summary

Public Law 1999, chapter 691 requires that biannual testing of private water supply wells be performed at the written request of a person who owns property abutting a commercial solid waste disposal facility that accepts special waste for landfilling and requires the licensee to pay for the testing. The law requires the testing to be conducted by a certified laboratory selected by the property owner and in a manner specified by and meeting criteria developed by the Department of Environmental Protection. The law also requires a licensee to provide owners of property abutting the facility with written notice of their right to water quality testing.

LD 1311

**An Act to Repeal the Emissions Testing Program in Cumberland
County**

ONTP

Sponsor(s)
FOSTER
HARRIMAN

Committee Report
ONTP

Amendments Adopted

LD 1311 proposed to repeal the enhanced inspection requirements for motor vehicles registered in Cumberland County and instead to require those vehicles to meet the same inspection standards as vehicles registered in other counties in the State.

LD 1457**An Act to Decrease Restrictions on the Sale of Land****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH KONTOS	ONTP	

LD 1457 proposed to permit a landowner to divide a tract or parcel of land into 3 lots within any 5-year period without creating a subdivision as that term is defined in the planning and land use regulation laws if the landowner has owned the parcel to be divided for a period of at least 5 years before the first dividing occurs and both dividings create, at the time of each dividing, a lot no larger than 140% of the minimum size lot on which a structure may be built pursuant to the applicable municipal ordinance. The bill proposed to add language making the Act retroactive to a date 5 years prior to the effective date of the Act.

LD 1506**Resolve, to Require the Department of Environmental Protection to Reimburse Homeowners for Malfunctioning On-site Peat Sewage Disposal Systems****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA DUPLESSIE	ONTP	

LD 1506 proposed to require the Department of Environmental Protection and the Department of Human Services to identify all on-site peat sewage disposal systems installed since October 1, 1988 that have failed or are currently malfunctioning due to improper installation. The resolve further proposed to direct the Department of Environmental Protection to reimburse the homeowners from within its existing budgeted resources for all costs associated with fixing or replacing the malfunctioning system.

The resolve also proposed to direct the Department of Human Services, Division of Health Engineering to provisionally adopt major substantive rules by January 31, 2000 that upgrade those systems from experimental to general use status and that establish clear guidelines for installing such systems.

LD 1519**An Act to Encourage Environmental Management Systems****PUBLIC 562**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-801

LD 1519 proposed to establish a state policy to encourage facilities to develop and implement environmental management systems that conform to international standards. The bill proposed to require the Commissioner of Environmental Protection to develop and implement an incentives program to encourage facilities to implement environmental management systems by offering regulatory relief to facilities that implement certified environmental management systems.

Committee Amendment "A" (H-801) proposed to require the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives could include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner. The amendment proposed that, in order to be eligible for incentives, an entity must have met several requirements. The amendment proposed to require the commissioner to revoke all incentives granted to an entity if the entity no longer meets the eligibility requirements.

The amendment proposed to establish a repeal date of December 31, 2002 for the environmental management system incentive program and to require the Department of Environmental Protection to submit a report to the Legislature by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes to the program.

Enacted law summary

Public Law 1999, chapter 562 requires the Commissioner of Environmental Protection to develop and implement an environmental management system incentive program to encourage entities to develop and implement environmental management systems that, at a minimum, conform to international standards, comply with all applicable environmental laws, rules and regulations and prevent and reduce pollution. The incentives may include alternative schedules for routine compliance inspections, alternative record-keeping and reporting systems and public recognition by the commissioner.

The law establishes a repeal date of December 31, 2002 for the environmental management system incentive program and requires the Department of Environmental Protection to submit a report to the Legislature by January 15, 2002 with an evaluation of the incentive program and any recommendations for changes.

LD 1562

Resolve, to Create the Commission to Study the Establishment of an Environmental Leadership Program

**RESOLVE 134
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO MURPHY T	OTP-AM	S-516 S-804 AMERO

LD 1562 proposed to establish the Environmental Leadership Program as a voluntary program under which a person could receive incentives, including financial, procedural and recognition incentives, for improving environmental quality if a facility owned by the person meets certain criteria. The bill proposed to require the Board of Environmental Protection to adopt rules to implement the program by July 1, 2000.

The bill also proposed to establish the Environmental Leadership Fund, administered by the Commissioner of Environmental Protection, under which a person who owns a facility may receive a loan at below-market rates for pollution prevention, toxic use reduction, resource use reduction, resource recovery, energy efficiency or development of innovative environmental technologies.

Committee Amendment "A" (S-516) proposed to establish the Commission to Study the Establishment of an Environmental Leadership Program, composed of 8 legislative members. The duties of the commission would be to develop criteria for defining a company or business as an environmental leader, to develop incentives to encourage companies and businesses to become environmental leaders, to attract environmental leaders to the State and to identify opportunities for and obstacles to creating an environmental leadership program. The amendment proposed to require the commission to submit a report to the Legislature by January 15, 2002.

Senate Amendment "B" to Committee Amendment "A" (S-804) proposed to clarify the legislative membership and to change the reporting date to December 1, 2001.

Enacted law summary

Resolve 1999, chapter 134 establishes the Commission to Study the Establishment of an Environmental Leadership Program. The duties of the commission, composed of 8 legislative members, are to develop criteria for defining a company or business as an environmental leader, to develop incentives to encourage companies and businesses to become environmental leaders, to attract environmental leaders to the State and to identify opportunities for and obstacles to creating an environmental leadership program. The commission is required to submit a report by December 1, 2001.

Resolve 1999, chapter 134 was enacted as an emergency measure effective May 18, 2000.

LD 2084

**An Act to Reduce the Release of Mercury into the Environment
from Consumer Products**

PUBLIC 779

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	H-1174 TOWNSEND
SAVAGE W	ONTP MIN	S-648

LD 2084 proposed to prohibit the sale of certain products that contain mercury unless they are labeled to inform consumers that mercury is present in the item and that the item may not be disposed of until the mercury is removed and reused, recycled or otherwise managed. Products that would have to be labeled are thermostats and thermometers, switches, medical or scientific instruments, electric relays and other electrical devices and lamps. The bill proposed to ban the sale in the State of toys, games and apparel that contain mercury.

The bill proposed to prohibit the disposal of labeled mercury-added products except as part of a collection system after June 1, 2001 and to require the separation of labeled mercury-added products from other solid waste. It proposed to require municipal and regional association solid waste disposal facilities to develop programs for the collection of mercury-added products by December 1, 2000 and to implement those programs by June 1, 2001. It also proposed to require manufacturers of mercury-added products to establish a system for the proper collection, transportation and management of the products and to prohibit them from charging a fee for the collection system.

The bill proposed to require the Department of Environmental Protection to develop a plan, in consultation with dentists, for reducing mercury pollution from dental procedures and to require the Board of

Environmental Protection to adopt rules to implement mandatory source reduction of mercury from dental procedures.

Committee Amendment "A" (S-648), the majority report of the committee, proposed to define mercury-added products as the following products if they contain mercury added during manufacture: thermostats and thermometers, electrical switches, medical or scientific instruments, electrical devices and lamps. The amendment proposed to require, beginning January 1, 2002, the labeling of mercury-added products other than mercury-added lamps sold in the State and to require a seller of mercury-added lamps to commercial, industrial or other large users to provide information on the invoice or in a separate document to inform the purchaser that the lamps contain mercury and may not be placed in solid waste destined for disposal.

The amendment proposed to ban the disposal of mercury-added products in a solid waste disposal facility after July 15, 2002 and to exempt mercury-added products used in households from that ban until January 1, 2005. The amendment proposed to require a waste mercury-added product to be reused, recycled or otherwise managed to ensure that the product is not disposed of in violation of the ban.

The amendment proposed to exempt automobile component parts from the labeling requirement and the source separation requirement until July 15, 2002 and to require the Department of Environmental Protection to develop, in consultation with the automobile manufacturers and other interested parties, a plan for compliance with those requirements as they relate to automobile components. The amendment also proposed to require the department to work with dentists to develop a pollution prevention plan for mercury from dental procedures by July 15, 2002.

The amendment proposed to require the department and the Executive Department, State Planning Office to implement an education program relating to mercury-added products no later than January 1, 2001 and to assist interested municipalities and regional associations in developing collection programs for mercury-added products. It also proposed to specify that the State Planning Office shall attempt, through the awarding of household hazardous waste grants, to fund capital improvements and operating expenses to facilitate the development of collection programs throughout the State for universal waste generated by households, small-quantity generators, public schools and municipalities. It requires the State Planning Office, at a minimum, to award grants to public schools and municipalities for reasonable additional costs incurred as a result of managing waste mercury-added products generated by them, in compliance with the disposal ban and the source separation requirement.

The amendment proposed to establish the Mercury Products Advisory Committee to advise the department, the State Planning Office and the Legislature on further actions needed to prevent and reduce environmental releases of mercury from consumer products and to require the committee to report annually beginning January 15, 2002 on the effectiveness and extent of established programs for the collection, transportation and recycling of mercury-added products. The amendment proposed to repeal the Mercury Products Advisory Committee in 2006.

The amendment proposed to require the department to submit a report by January 15, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury releases into the environment and an assessment of the extent to which the infrastructure has been developed to enable collection and recycling of mercury-added lamps.

The amendment proposed to exempt lamps, mercury-containing thermostats, polychlorinated biphenyl ballast and certain batteries from the planning, reporting and fee requirements under the laws relating to toxics use, toxics release and hazardous waste reduction.

House Amendment "A" to Committee Amendment "A" (H-1174) proposed to change the composition of the Mercury Products Advisory Committee to provide that, when making the appointments, the Speaker and the President shall give preference to members from the joint standing committee of the Legislature having jurisdiction over natural resources matters. It also proposed to provide for the reimbursement of necessary expenses incurred by public members who are not otherwise compensated by their employers.

Enacted law summary

Public Law 1999, chapter 779 defines mercury-added products as the following products if they contain mercury added during manufacture: thermostats and thermometers, electrical switches, medical or scientific instruments, electrical devices and lamps. The law requires, beginning January 1, 2002, the labeling of mercury-added products other than mercury-added lamps sold in the State and requires a seller of mercury-added lamps to commercial, industrial or other large users to provide information on the invoice or in a separate document to inform the purchaser that the lamps contain mercury and may not be placed in solid waste destined for disposal.

The law bans the disposal of mercury-added products in a solid waste disposal facility after July 15, 2002 but exempts mercury-added products used in households from that ban until January 1, 2005. The law exempts automobile component parts from the labeling requirement and the source separation requirement until July 15, 2002. The law requires the Department of Environmental Protection to work with dentists to develop a pollution prevention plan for mercury from dental procedures by July 15, 2002.

The law establishes the Mercury Products Advisory Committee to advise the department, the State Planning Office and the Legislature on further actions needed to prevent and reduce environmental releases of mercury from consumer products and requires the committee to report annually beginning January 15, 2002 on the effectiveness and extent of established programs for the collection, transportation and recycling of mercury-added products. The law repeals the Mercury Products Advisory Committee in 2006.

The law establishes requirements for public education and for technical and financial assistance to municipalities. The law also exempts lamps, mercury-containing thermostats, polychlorinated biphenyl ballast and certain batteries from the planning, reporting and fee requirements under the laws relating to toxics use, toxics release and hazardous waste reduction.

LD 2182

An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles

PUBLIC 684

Sponsor(s)
WATSON
PINGREE

Committee Report
OTP-AM

Amendments Adopted
H-1038

LD 2182 proposed to create a Cleaner Car Rebates Program to promote the purchase of new and used low-emission cars and trucks by offering a rebate to the purchaser of a cleaner vehicle.

Committee Amendment "A" (H-1038) proposed to replace the bill. This amendment proposed:

1. to create a pilot incentive voucher program designed to encourage the retirement of older, high-emission vehicles and the purchase of newer, low-emission vehicles;
2. to allow the salvage of useable parts of retired vehicles;
3. to provide for the issuance of higher-value vouchers for the retirement of certain pickup trucks and sport utility vehicles that have a higher market value;
4. to tie the retirement of high-emission vehicles to the purchase of low-emission vehicles by providing that a voucher is issued upon retirement of a high-emission vehicle and is redeemable upon purchase of a low-emission vehicle;
5. to direct the Department of Environmental Protection to administer the voucher program and the Finance Authority of Maine to issue payments upon redemption of vouchers;
7. to require the Department of Environmental Protection and the Finance Authority of Maine to provide annual reports on the program and to require the department in its 2003 report to provide an evaluation of whether the pilot program should be continued;
8. to repeal the pilot incentive voucher program on November 1, 2003;
9. to require the Department of Environmental Protection to undertake an examination of methods and strategies for achieving reductions and maintaining levels of mobile-source emissions that will ensure compliance with federal air quality standards and to develop a mobile-source-emission-reduction plan that includes the most effective and cost-efficient methods and strategies;
10. to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation concerning mobile-source-emission-reduction methods to the First Regular Session and the Second Regular Session of the 120th Legislature;
11. to provide for use of the Clean Fuel Vehicle Fund, a fund authorized to accept grants from public and private sources, to fund the pilot incentive voucher program; and
12. to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 684 creates a pilot incentive voucher program designed to encourage the retirement of older, high-emission vehicles and the purchase of newer, low-emission vehicles; requires the Department of Environmental Protection and the Finance Authority of Maine to provide annual reports on the program and requires the department in its 2003 report to provide an evaluation of whether the pilot program should be continued; repeals the pilot incentive voucher program on November 1, 2003; requires the Department of Environmental Protection to undertake an examination of methods and strategies for achieving reductions and maintaining levels of mobile-source emissions that will ensure compliance with federal air quality standards and to develop a mobile-source-emission-reduction plan that includes the most effective and cost-efficient methods and strategies; authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation concerning mobile-source-emission-reduction methods to the First Regular Session and the Second Regular Session of the 120th Legislature.

LD 2228**An Act to Provide for Alternative Treatment of Biomedical Waste****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS MARTIN	ONTP	

LD 2228 proposed to authorize the Department of Environmental Protection to license a type of biomedical waste disposal or treatment facility that uses microwave disinfection technology if, after treatment, the waste no longer meets the definition of biomedical waste.

LD 2278**An Act to Amend the Low-emission Vehicle Program****PUBLIC 582**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY MARTIN	OTP-AM MAJ ONTP MIN	H-839 MARTIN S-486

LD 2278 proposed to repeal the state triggers for the low-emission vehicle program and language concerning the reformulated gasoline program.

Committee Amendment "A" (S-486), which was the majority report of the Joint Standing Committee on Natural Resources, proposed to preserve that portion of the bill that removes the state triggers for the low-emission vehicle program but also to provide that the low-emission vehicle program may not include the adoption, sale or use of California reformulated gasoline. The amendment also proposed to remove obsolete language concerning a study that was due January 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-839) proposed to require that, by December 1, 2000, the Department of Environmental Protection, Board of Environmental Protection evaluate the feasibility of the State's zero-emission vehicle mandate in existence on March 1, 2000. The amendment proposed to specify that, following the evaluation, any rule adopted by the board that contains a zero-emission vehicle mandate would be a major substantive rule.

Enacted law summary

Public Law 1999, chapter 582 repeals the state triggers for the low-emission vehicle program; provides that the low-emission vehicle program may not include the adoption, sale or use of California reformulated gasoline; removes obsolete language concerning a study that was due January 1, 2000; requires that, by December 1, 2000, the Board of Environmental Protection evaluate the feasibility of the State's zero-emission vehicle mandate in existence on March 1, 2000; and specifies that, following the evaluation, any rule adopted by the board that contains a zero-emission vehicle mandate is a major substantive rule.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNCAN	OTP-AM	H-791

LD 2325 proposed to provide that a municipal or regional association landfill that accepted 1,900 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste.

Committee Amendment "A" (H-791) proposed to provide that a municipal or regional association landfill that has accepted 550 tons, rather than 1,900 tons as proposed in the bill, or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in 1998 shall pay \$5 per ton for that category of waste.

Enacted law summary

Public Law 1999, chapter 564 provides that a municipal or regional association landfill that accepted 550 tons or more of oil-contaminated soil, gravel, brick, concrete and other aggregate in calendar year 1998 shall pay \$5 per ton for that category of waste.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	OTP-AM MAJ OTP-AM MIN	H-1040

LD 2339 proposed to amend the Wells Waste Oil Clean-up Fund to extend funding to the waste oil site in Plymouth.

Committee Amendment "A" (H-1040), the majority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and

1. to create an interest-free loan program for persons who have obligated themselves to pay for the remedial investigation and feasibility study at the Plymouth waste oil site; and
2. to add an emergency preamble and emergency clause and a fiscal note to the bill.

Committee Amendment "B" (H-1041), the minority report of the Joint Standing Committee on Natural Resources, proposed to replace the bill and

1. to create a direct payment program for persons who are obligated to pay for the remedial investigation and feasibility study at the Plymouth waste oil site; and
2. to add an emergency preamble and emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 713 creates an interest-free loan program for persons who have obligated themselves to pay for the remedial investigation and feasibility study at the Plymouth waste oil site.

Public Law 1999, chapter 713 was enacted as an emergency measure effective April 14, 2000.

LD 2350**An Act to Clarify the Laws Governing Solid Waste Disposal Districts****PUBLIC 557**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD KNEELAND	OTP	

LD 2350 proposed to clarify the management of a refuse disposal district by specifying that directors from the same municipality do not have to vote together but may vote independently of each other.

Enacted law summary

Public Law 1999, chapter 557 clarifies current law regarding voting by the board of directors of a refuse disposal district by specifying that directors from the same municipality do not have to vote together but may vote independently of each other.

LD 2375**An Act to Rid Maine's Waters of Ocean Vessel Sewage****PUBLIC 655**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J COWGER	OTP-AM	S-567

LD 2375 proposed to require the Department of Environmental Protection to review existing availability of pump-out stations, apply for federal grant money and develop a plan to ensure such facilities are adequate to meet the existing needs and develop a program to educate boaters of the importance of using such facilities. The bill also proposed to require the department to apply to the Federal Government for designation of the first 3 coastal miles of the State as a "no discharge" zone pursuant to 33 United States Code and to require that, beginning August 1, 2000, any new construction of or expansion of public or private marinas must include operational pump-out stations and waste reception facilities. The bill also proposed to regulate, beginning July 15, 2005, the discharge of sewage from watercraft operating on coastal waters of the State.

Committee Amendment "A" (S-567) proposed to require the Department of Environmental Protection to review the availability of pump-out stations at marinas; to develop a plan for the construction, renovation and maintenance of pump-out facilities necessary to meet the needs of watercraft using the coastal waters of the State; to educate vessel owners and operators about the problem of sanitary waste discharges from vessels; and to apply to the United States Environmental Protection Agency by January 15, 2005 for

designation of the first 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as no-discharge zones.

The amendment proposed to expand to noncommercial marinas the requirement in current law for a marina to provide a pump-out facility or, through a contractual agreement, a facility to remove sanitary waste from the holding tanks of watercraft. It proposed to require the Commissioner of Environmental Protection to award grants for the costs of pump-out facilities and contractual agreements using state and federal funds and to specify that marinas are not required to meet the requirement to provide a pump-out facility until a grant is issued to that marina.

Enacted law summary

Public Law 1999, chapter 655 requires the Department of Environmental Protection to review the availability of pump-out stations at marinas, to apply for federal grant money and to develop a plan for the construction, renovation and maintenance of pump-out facilities necessary to meet the needs of watercraft using the coastal waters of the State. The law also requires the department to educate vessel owners and operators about the problem of sanitary waste discharges from vessels and to inform them of the locations of pump-out facilities; to apply to the United States Environmental Protection Agency by January 15, 2005 for designation of the first 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as no-discharge zones; and to submit several related reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The law expands to noncommercial marinas the requirement in current law for a marina to provide a pump-out facility or, through a contractual agreement, a facility to remove sanitary waste from the holding tanks of watercraft. It requires the Commissioner of Environmental Protection to award grants for the costs of pump-out facilities and contractual agreements using state and federal funds. The commissioner shall pay 90% of the costs at municipal marinas and up to 75% of the costs at other marinas. The law specifies that marinas are not required to meet the requirement to provide a pump-out facility until a grant is issued to that marina.

LD 2377

An Act to Prevent Contamination from Home Heating Oil Tanks

PUBLIC 635

Sponsor(s)
NUTTING J
MARTIN

Committee Report
OTP-AM

Amendments Adopted
S-566

LD 2377 proposed to extend the funding from the Ground Water Oil Clean-up Fund to pay for the replacement of certain substandard home heating oil tanks.

Committee Amendment "A" (S-566) proposed to replace the bill. This amendment proposed:

1. To extend the oil storage tank repair and replacement program funded from the Ground Water Oil Clean-up Fund;
2. To increase funding to \$500,000 annually to retrofit, repair or replace tanks in order to abate an imminent threat to a groundwater restoration project, a public water supply or a sensitive geologic area, including coastal islands and peninsulas and to provide that:

- A. No money may be spent after fiscal year 1999-2000 until a written policy is adopted establishing criteria for disbursements of funds, guidelines that ensure the money will be used in the most cost-effective manner and guidelines for reimbursing cooperating municipalities for administrative costs; and
 - B. No money may be spent after February 2, 2003 until a written policy is adopted that establishes a means test for eligibility for disbursements and a deductible and that limits eligibility to Maine residents;
3. To increase funding to \$2,000,000 annually for grants to retrofit, repair or replace aboveground and underground oil storage tanks and associated piping at single-family residences provided that no money is disbursed after June 30, 2000 until a written policy is adopted establishing guidelines for payments to community action agencies for their administrative costs in administering the funds; and
 4. To require the Department of Environmental Protection to report by January 1, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on various aspects of the programs.

Enacted law summary

Public Law 1999, chapter 635 extends and increases funding for the oil storage tank repair and replacement program funded from the Ground Water Oil Clean-up Fund. It also requires the Department of Environmental Protection to report by January 1, 2002 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on various aspects of the programs.

LD 2437

An Act Regarding Oil Storage Facilities and Groundwater Protection

PUBLIC 714

Sponsor(s)
DAIGLE

Committee Report
OTP-AM

Amendments Adopted
H-1049 MARTIN
H-877

LD 2437 proposed to make several changes to the Ground Water Oil Clean-up Fund, including changing the standard deductible for certain coverage, reducing the cap on the fund, reducing the assessment of certain fees and changing the amount of the fund that may be disbursed for certain costs. The bill also proposed to allow for the cleanup and recording of minor leaks or spills of oil from underground oil storage facilities and tanks without reporting the leak or spill to the Department of Environmental Protection under certain conditions and to enact a statute of limitations of 3 years on actions against certified underground oil storage tank installers.

Committee Amendment "A" (H-877) proposed to change the statute of limitations provision in the bill to specify that the statute of limitations for the Board of Underground Oil Storage Tank Installers to bring an action against a certified underground oil storage tank installer relating to a tank or equipment installed on or after September 16, 1991 is within 3 years of discovery of a violation but no more than 15 years from the date of installation.

The amendment proposed to strike all the provisions in the bill related to the Ground Water Oil Clean-up Fund and instead to require the Department of Environmental Protection to conduct and report on 3 studies, including a review of the current framework for regulating aboveground oil storage tanks, a review of the insurance coverage available for cleanup of prohibited discharges of oil and a review of the Ground Water Oil Clean-up Fund. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation relating to these studies.

House Amendment "A" to Committee Amendment "A" (H-1049) proposed to remove the authority of the joint standing committee of the Legislature having jurisdiction over natural resource matters to report out legislation regarding the reports received from the Department of Environmental Protection.

Enacted law summary

Public Law 1999, chapter 714 enacts a statute of limitations for the Board of Underground Oil Storage Tank Installers to bring an action against a certified underground oil storage tank installer relating to a tank or equipment installed on or after September 16, 1991. Such an action must be brought within 3 years of discovery of a violation but no more than 15 years from the date of installation.

The law requires the Department of Environmental Protection to convene a task force to review the current framework for regulating aboveground oil storage tanks and submit a report on field-constructed bulk storage tanks by March 1, 2001 and a report on aboveground oil storage tanks by January 2, 2002; it requires the department to review the insurance coverage available for cleanup of prohibited discharges of oil and submit a report by May 15, 2001 with its findings and any recommendations; and it requires the department to review, in consultation with the Fund Insurance Review Board, the Ground Water Oil Clean-up Fund and submit a report by December 15, 2000 with its findings and recommendations.

LD 2442

An Act Regarding the Solid Waste Hauling and Disposal Industry

PUBLIC 773

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM MAJ	H-1086
	ONTP MIN	H-1177 TOWNSEND

LD 2442 proposed to require advance notification to the Department of the Attorney General when controlling stock or substantial assets of a business engaged in solid waste hauling, incineration or residue disposal are acquired.

Committee Amendment "A" (H-1086), the majority report of the committee, proposed to change the title of the bill and to limit the application of the notice requirement to those persons acquiring controlling stock or substantial assets used in solid waste or residue hauling from a business that is primarily engaged in solid waste or residue hauling and that employs more than 5 individuals. The amendment also proposed to establish a repeal date of 90 days after adjournment of the First Regular Session of the 120th Legislature for the notice requirement.

The amendment proposed to establish the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, composed of 5 members of the Joint Standing Committee on Natural Resources, to conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The amendment proposed to require the task force to submit an interim

report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 6, 2000 and a final report by December 5, 2001.

House Amendment "B" to Committee Amendment "A" (H-1177) proposed to provide for the replacement of legislative members on the task force and to change the date by which appointments to the task force must be made.

Enacted law summary

Public Law 1999, chapter 773 requires advance notification to the Department of the Attorney General when controlling stock or substantial assets are acquired from a business that is primarily engaged in solid waste or residue hauling and that employs more than 5 individuals. The law establishes a repeal date of 90 days after adjournment of the First Regular Session of the 120th Legislature for the notice requirement.

The law establishes the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry, composed of 5 members of the Joint Standing Committee on Natural Resources, to conduct a study of market power issues in all aspects of the public and private solid waste hauling and disposal industry. The law specifies that the task force shall submit an interim report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 6, 2000 and a final report by December 5, 2001.

LD 2470

An Act to Fund the Lakes Heritage Trust Fund

P & S 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-972
PINGREE		S-755 MICHAUD

LD 2470 proposed to allocate penalties levied by the Department of Environmental Protection for violations of laws related to great ponds to the Lakes Heritage Trust Fund.

Committee Amendment "A" (H-972) proposed to replace the bill and change the title. The amendment proposed to appropriate \$20,000 to the Lakes Heritage Trust Fund.

Senate Amendment "A" to Committee Amendment "A" (S-755) proposed to clarify that the funds are appropriated on a one-time basis.

Enacted law summary

Private and Special Law 1999, chapter 98 makes a one-time appropriation of \$20,000 to the Lakes Heritage Trust Fund.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	ONTP	

LD 2477 proposed to amend the definition of "oil terminal facilities" (currently defined to mean only those facilities that receive their petroleum products via waterborne sources) to include terminals that receive their products by pipeline.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT SHIAH	OTP-AM	S-617 S-710 TREAT

LD 2496 proposed to modify certain laws relating to the decommissioning of the Maine Yankee Nuclear Facility. The bill proposed

1. To add vehicles leaving the Maine Yankee site to the list of equipment and materials subject to monitoring;
2. To clarify the definition of "monitoring";
3. To add contaminated construction and demolition debris to the definition of "special waste," material that is subject to particular scrutiny by the Department of Environmental Protection;
4. To require notice to a municipality that has a solid waste facility or solid waste disposal facility in its jurisdiction to which decommissioning waste is transferred; and
5. To set a cumulative risk level at the site once decommissioning is complete.

Committee Amendment "A" (S-617) proposed to replace the bill. This amendment proposed

1. To provide that (similar to the original bill) the State Nuclear Safety Inspector be permitted to monitor vehicles or other means of transportation used to remove material from the site of a nuclear power facility, that acceptable monitoring activities by the inspector include taking radiological measurements, provided these are done according to certain standards, and that the facility licensee must provide split samples to the inspector;
2. To require that (as in the original bill) a municipality be notified if decommissioning waste is shipped to a recycling or other solid waste facility in the municipality;

3. To modify the definition of "low-level radioactive waste" to exclude radioactive material remaining at the site of a decommissioned nuclear power plant if the site meets the United States Nuclear Regulatory Commission's requirements for release, is not used to dispose of radioactive material generated by a facility other than the plant and meets the radiation dose standard established by the amendment;
4. To establish a protective radiation dose standard (cleanup standard) for the site at which the decommissioning of a nuclear power plant has been completed;
5. To require an evaluation of the cumulative risk posed by radiological and chemical contaminants that will remain at the site of a decommissioned nuclear power plant;
6. To require the owner of a nuclear power plant or decommissioned nuclear power plant to comply with all applicable environmental laws and to clarify that the Department of Environmental Protection is authorized to require appropriate monitoring, sampling and other measures to assess and ensure compliance with applicable laws;
7. To require the owner of a nuclear power plant or decommissioned nuclear power plant to provide information to the Department of Environmental Protection necessary for it to establish compliance with applicable laws;
8. To repeal the provision of law that requires a low-level radioactive waste disposal facility to be owned by the State of Maine; and
9. To make expressly clear that the above provisions may not be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including the method known as "rubblization".

House Amendment "A" to Committee Amendment "A" (H-1107) proposed to remove from the committee amendment the provision that modifies the definition of "low-level radioactive waste."

Senate Amendment "A" to Committee Amendment "A" (S-704) proposed to clarify that the Department of Environmental Protection may require liners to contain wastes at the site of a decommissioned nuclear power plant in order to ensure compliance with applicable environmental laws, licenses or permits. It also proposed to remove from the committee amendment the provision that modifies the definition of "low-level radioactive waste" and to remove the emergency preamble and emergency clause.

Senate Amendment "B" to Committee Amendment "A" (S-710) proposed to make the following changes to the committee amendment to the bill:

1. To remove from the committee amendment the section that would have changed the definition of "low-level radioactive waste";
2. To clarify that the Department of Environmental Protection may require use of liners at the site of a decommissioned nuclear power plant to allow the department to assess and ensure compliance with applicable requirements, including the radiation dose standards established by the committee amendment; and

3. To remove the provision of the committee amendment that would have repealed the requirement that a low-level radioactive waste disposal facility be owned by the State. Under this amendment, the State would not be required to own such a facility if the facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process.

Enacted law summary

Public Law 1999, chapter 739 changes certain laws relating to the Maine Yankee Nuclear Facility. It provides that the State Nuclear Safety Inspector is permitted to monitor the removal or material from the site of a nuclear power facility, including taking radiological measurements; clarifies that a municipality must be notified if decommissioning waste is shipped to a recycling or other solid waste facility in the municipality; establishes a radiation dose standard for the site at which the decommissioning of a nuclear power plant has been completed; requires an evaluation of the cumulative risk posed by radiological and chemical contaminants that will remain at the site of a decommissioned nuclear power plant; requires the owner of a nuclear power plant or decommissioned nuclear power plant to comply with all applicable environmental laws and clarifies that the Department of Environmental Protection is authorized to require appropriate monitoring, sampling and other measures to assess and ensure compliance with applicable laws; requires the owner of a nuclear power plant or decommissioned nuclear power plant to provide information to the Department of Environmental Protection necessary for it to establish compliance with applicable laws; makes expressly clear that the bill may not be interpreted as legislative approval of any particular method of handling or disposing of radioactive material, including the method known as "rubblization"; clarifies that the Department of Environmental Protection may require use of liners at the site of a decommissioned nuclear power plant to allow the department to assess and ensure compliance with applicable requirements, including the radiation dose standards established by this law; and modifies a requirement of law that the State own a nuclear waste disposal facility by providing that the state is not required to own the facility if the facility is developed at the site of a decommissioned nuclear power plant in the course of or as a result of the decommissioning process.

See Public Law 1999, chapter 741.

Public Law 1999, chapter 739 was enacted as an emergency measure effective April 26, 2000.

LD 2509

An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986

PUBLIC 720

Sponsor(s)
BRYANT
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-1039

LD 2509 proposed to allow fish hatcheries existing prior to January 1, 1986 to continue discharges into Class A waters only until practical alternatives exist. The bill also proposed to exempt fish hatcheries existing prior to January 1, 1986 but not licensed from the Maine Revised Statutes, Title 38, section 413 until practical alternatives exist.

Committee Amendment "A" (H-1039) proposed to authorize discharges from fish hatcheries into Class A waters, Class GPA waters and waters having a drainage area of less than 10 square miles to continue until practical alternatives exist, as are discharges licensed prior to January 1, 1986, if the discharge was in

existence prior to January 1, 1986, the hatchery is licensed by the Department of Inland Fisheries and Wildlife and an application for a waste discharge license is accepted as complete for processing within 90 days of notification that a license is required. The amendment proposed to require the Department of Environmental Protection to notify a fish hatchery with an unlicensed discharge within 90 days of the effective date of the amendment or within 90 days of finding the unlicensed discharge that a waste discharge license is required.

Enacted law summary

Public Law 1999, chapter 720 authorizes discharges from fish hatcheries into Class A waters, Class GPA waters and waters having a drainage area of less than 10 square miles to continue until practical alternatives exist, as are discharges licensed prior to January 1, 1986, if the discharge was in existence prior to January 1, 1986, the hatchery is licensed by the Department of Inland Fisheries and Wildlife and an application for a waste discharge license is accepted as complete for processing within 90 days of notification that a license is required. The law requires the Department of Environmental Protection to notify a fish hatchery with an unlicensed discharge within 90 days of the effective date of this Act or within 90 days of finding the unlicensed discharge that a waste discharge license is required.

LD 2526 An Act to Establish Minimum Environmental Compliance ONTP
Standards for Subsidized Employers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	ONTP MAJ	
KONTOS	OTP-AM MIN	

LD 2526 proposed to require an employer receiving economic development incentives to demonstrate that it was in full compliance with federal, state and local environmental laws in order to continue receiving public assistance.

Committee Amendment “A” (H-1066) proposed to prohibit a person convicted of a criminal violation of environmental laws from receiving, for one year, tax reimbursement for qualified business property under the Business and Equipment Reimbursement Program.

LD 2547 An Act to Implement the Recommendations of the Task Force to PUBLIC 784
Study the Operation of and Support for the Board of
Environmental Protection

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1027
	ONTP MIN	S-762 MICHAUD

LD 2547 proposed to implement the recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection. The bill proposed to allocate funds for an Executive Director of the Board of Environmental Protection position and to specify that the executive director directs the daily administrative and operational functions of the board and may be removed by majority vote of the

board. The bill proposed to provide for the transfer of funding for the Deputy Commissioner of the Department of Environmental Protection position from the Board of Environmental Protection Fund to the General Fund.

The bill proposed to amend the conflict of interest provision as it applies to the board to require the board to provide a nonbinding advisory opinion as to whether a member has a conflict of interest that may require abstention from a proceeding, unless the member in question objects to the vote.

The bill proposed to amend the rule-making procedures as they apply to the board to require the board to accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period provided that the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule.

Committee Amendment "A" (H-1027), the majority report of the committee, proposed to change the title of the professional staff position for the Board of Environmental Protection to "executive analyst," to set the salary level at a lower range, to specify that the position is unclassified and to specify that the executive analyst of the board is prohibited from participating in any activity that substantially compromises the executive analyst's ability to discharge effectively and impartially the duties of the position. The amendment proposed to specify that the executive analyst may be hired no earlier than October 1, 2000. The amendment also proposed to specify that the Commissioner of Environmental Protection shall make recommendations to the board regarding matters considered by the board and shall provide the board with the technical services of the department.

The amendment proposed to clarify that public notice of a meeting that is not a public hearing but at which the Board of Environmental Protection will accept additional public comment on a proposed rule must comply with the general public notice requirements for public proceedings.

Senate Amendment "A" to Committee Amendment "A" (S-762) proposed to remove the provisions in the bill regarding the transfer of funding for the Deputy Commissioner of the Department of Environmental Protection. See LD 2510 (P.L. chapter 731, Part HHH).

Enacted law summary

Public Law 1999, chapter 784 establishes and funds the position of Executive Analyst of the Board of Environmental Protection. The law requires the Chair of the Board to hire an executive analyst no earlier than October 1, 2000. The law specifies that the Commissioner of Environmental Protection shall make recommendations to the board regarding matters considered by the board and shall provide the board with the technical services of the department.

The law amends the conflict of interest provision as it applies to the Board of Environmental Protection to require the board to provide a nonbinding advisory opinion as to whether a member has a conflict of interest that may require abstention from a proceeding, unless the member in question objects to the vote.

The law amends the rule-making procedures as they apply to the board to require the board to accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period provided that the additional public comment is directly related to comments received during the formal rule-making comment period or is in response to changes to the proposed rule.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B DAIGLE	OTP-AM	H-1113 MARTIN S-628

LD 2565 proposed to provide that when the State Planning Office finds that 4 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State or that this capacity will soon be available only at a single facility, the office would be required to submit a report recommending the construction and operation of a state-owned solid waste disposal facility to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The bill proposed to require the office to submit a similar report when, in consultation with a regional solid waste management association, it found that disposal capacity is projected to be needed for certain types of wastes and the regional association is not able to pursue the siting, establishment and operation of a solid waste disposal facility.

Committee Amendment "A" (S-628) proposed to specify that the triggers for when the State Planning Office must submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommending the construction and operation of a state-owned solid waste disposal facility are when the office finds that 4 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State or that within 4 years this capacity will be available only at a single facility. The report would recommend the construction and operation of a facility for the disposal of the type of waste for which capacity is needed.

The amendment proposed to require that a report submitted by the office recommending construction of a state-owned facility for either municipal solid waste or special waste or to meet the needs of a regional association for disposal of certain other types of waste must include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues.

House Amendment "A" to Committee Amendment "A" (H-1113) proposed to remove the requirement that the State Planning Office submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters when the office finds that within 4 years licensed and available disposal capacity for municipal solid waste or special waste will be available only at a single facility.

Enacted law summary

Public Law 1999, chapter 736 provides that the trigger for when the State Planning Office must submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommending the construction and operation of a state-owned solid waste disposal facility is when the office finds that 4 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State. The report must recommend the construction and operation of a facility for the disposal of the type of waste for which capacity is needed.

The law requires that a report submitted by the office recommending construction of a state-owned facility for either municipal solid waste or special waste or to meet the needs of a regional association for disposal

of certain other types of waste must include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues.

LD 2581

An Act to Prevent the Spread of Invasive Aquatic Plants

**PUBLIC 722
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON TREAT	OTP-AM	H-1105 THOMPSON H-970

LD 2581 proposed to prohibit the importation into state waters of Eurasian water milfoil, a nonnative aquatic plant. The bill also proposed to require that the Commissioner of Environmental Protection, in conjunction with the Commissioner of Inland Fisheries and Wildlife, post at public boat launches in the State notice of the prohibition and the steps necessary to remove milfoil from a boat.

Committee Amendment "A" (H-970) proposed to add an emergency preamble and clause to the bill. The amendment proposed to require the Department of Environmental Protection to prepare and make available educational materials to inform the public about invasive aquatic plants and to investigate and document the occurrence of invasive aquatic plants. It also proposed to authorize the department to undertake activities to control invasive aquatic plants.

The amendment proposed to prohibit the transportation of aquatic plants on public roads, to prohibit the possession, importation, cultivation, transportation or distribution of invasive aquatic plants in a manner that could cause the plant to get into any state waters and to prohibit the sale of invasive aquatic plants after September 1, 2000.

The amendment proposed to require the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to submit a report on invasive aquatic species control, including recommendations and implementing legislation, to the joint standing committees of the Legislature having jurisdiction over natural resources matters and inland fisheries matters by January 15, 2001.

House Amendment "B" to Committee Amendment "A" (H-1105) proposed to remove from the committee amendment language specifically authorizing law enforcement officers to detain vehicles, boats, personal watercraft, boat trailers or other equipment.

Enacted law summary

Public Law 1999, chapter 722 requires the Department of Environmental Protection to undertake an educational program and a control program related to invasive aquatic plants. The law prohibits the transportation of aquatic plants on public roads, prohibits the possession, importation, cultivation, transportation or distribution of invasive aquatic plants in a manner that could cause the plant to get into any state waters and prohibits the sale of invasive aquatic plants after September 1, 2000.

Public Law 1999, chapter 722 was enacted as an emergency measure effective April 14, 2000.

LD 2587

An Act to Implement the Recommendations of the Joint Standing Committee on Natural Resources Relating to the Review of the Advisory Commission on Radioactive Waste and Decommissioning Under the State Government Evaluation Act

PUBLIC 585

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2587 proposed to implement the recommendations made by the Joint Standing Committee on Natural Resources as a result of the committee's review of the Advisory Commission on Radioactive Waste and Decommissioning under the State Government Evaluation Act. This bill proposed to:

1. Extend the termination date of the commission from June 30, 2000 to June 30, 2006 and subject the commission to its next State Government Evaluation Act review beginning in 2005; and
2. Require the commission to issue a report in 2002 with recommendations for altering the funding formula in the event the Maine Yankee Atomic Power Company plant in Wiscasset no longer generates low-level radioactive waste.

Enacted law summary

Public Law 1999, chapter 585 implements the recommendations made by the Joint Standing Committee on Natural Resources as a result of the committee's review of the Advisory Commission on Radioactive Waste and Decommissioning under the State Government Evaluation Act. The law extends the termination date of the commission from June 30, 2000 to June 30, 2006, subjects the commission to its next State Government Evaluation Act review beginning in 2005, and requires the commission to issue a report in 2002 with recommendations for altering the funding formula in the event the Maine Yankee Atomic Power Company plant in Wiscasset no longer generates low-level radioactive waste.

LD 2597

An Act to Improve Public Water Supply Protection

PUBLIC 761

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1106
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LD 2597 proposed to implement the recommendations of the Task Force to Study the Improvement of Public Water Supply Protection, established pursuant to Resolve 1999, chapter 80. The bill proposed to strengthen notice requirements for projects that could threaten water supplies and to require a municipality to give a water supplier notice if a project is proposed near its groundwater wells or surface water intakes.

The bill proposed to move the Maine Drinking Water Program from the Department of Human Services to the Department of Environmental Protection and to require the Department of Environmental Protection to hire a consultant to help integrate the program into its overall structure. The bill proposed to allow the Department of Environmental Protection to deny, based on the presence of existing threats, an application to establish a new public water supply. The bill also proposed to require the Land and Water Resources

Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

Committee Amendment "A" (H-1106) proposed to strengthen the authority of the drinking water program to deny an application for a new water supply in the vicinity of potential sources of contamination that already exist.

The amendment proposed, instead of moving the drinking water program effective July 1, 2001, to require the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant would be required to submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

Enacted law summary

Public Law 1999, chapter 761 strengthens notice requirements for projects that could threaten water supplies and requires a municipality to give written notice to a water supplier if certain projects are proposed near its groundwater wells or surface water intakes. It also strengthens the authority of the drinking water program within the Department of Human Services to deny an application for a new water supply in the vicinity of existing potential sources of contamination. The law requires the Land and Water Resources Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

The law requires the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant shall submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

LD 2600

An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development

PUBLIC 776

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-660
	ONTP MIN	S-792 MICHAUD

LD 2600 proposed to implement the recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development that relate to land use policy. The bill proposed to address issues related to downtowns by establishing and capitalizing the Downtown Leasehold Improvement Fund; by establishing the Maine Downtown Center within the Department of Economic and Community Development to encourage downtown revitalization in Maine communities; by authorizing the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements and appropriating \$5,000,000 for downtown improvement loans; and by requiring the Department of Economic and Community Development to develop an investment policy related to downtowns.

The bill proposed to require municipalities in which construction projects for new schools will be located to consider, with the assistance of the State Planning Office, priority locations in selecting a school building site. The bill proposed that if a municipality does not select a priority location, state funds may be used for the project only if the municipality's land use regulations do not prohibit denser residential development within 1/4 mile of the school property.

The bill proposed to add school facilities to the list of infrastructure facilities for which impact fees may be used by municipalities.

The bill proposed to define state growth-related capital investments and direct them to locally designated growth areas as identified in local comprehensive plans, or, if there is no comprehensive plan, to areas with public sewers capable of handling the development, to areas identified as census designated places or to compact areas of urban compact municipalities as defined in transportation law. Exceptions could be made for certain state investments.

The bill proposed to require the Department of Administrative and Financial Services, Bureau of General Services to develop site selection criteria for state facilities that give preference to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities.

The bill proposed to establish the Task Force to Study Growth Management, composed of 16 members, to conduct a review of the growth management laws and issues related to growth management.

The bill proposed to require the Land and Water Resources Council to submit a report to the Legislature with an evaluation of the use of incentives to keep rural land undeveloped. The bill proposed to require the State Planning Office and the Department of Environmental Protection to promote the Maine Municipal Brownfields Revolving Loan Fund and the voluntary response action program and to make recommendations for expanding the redevelopment of "brownfields".

The bill proposed to require the Office of the State Fire Marshal to convene a stakeholders group to review state codes and federal regulations that restrict the reuse of existing structures and to recommend revisions to encourage renovation of existing buildings. The bill also proposed to require the State Planning Office to work with municipalities and regional planning commissions to develop model land use ordinances that accommodate "smart growth" design standards and provide for flexibility in zoning regulations to allow for traditional, compact development in designated growth areas and to preserve and revitalize existing neighborhoods.

The bill proposed to appropriate funds for the position of Statewide Geographic Information System Coordinator within the Office of Geographic Information Systems and funds for grants for financial and technical assistance to municipalities, grants to regional councils and alternative growth management initiatives.

Committee Amendment "A" (S-660), the majority report of the committee, proposed to require the Commissioner of Economic and Community Development to evaluate biennially the extent to which the purposes of the Maine Downtown Center are being met. The amendment also proposed to authorize the commissioner to seek and accept funds to support the center's purpose and to require the commissioner to collaborate with other entities to make maximum use of resources.

The amendment proposed to strike from the bill the requirement that municipalities consider priority locations in selecting sites for new school construction projects and instead to require the State Board of Education to adopt major substantive rules relating to siting of new school construction projects that receive state funding. The amendment also proposed to require the State Planning Office and the State Board of Education to submit a report to the Legislature by February 1, 2001 with recommendations regarding land use ordinances near newly constructed schools.

The amendment proposed to clarify that growth areas identified by a municipality in its comprehensive plan may be designated as areas suitable for any combination of residential, commercial and industrial development.

The amendment proposed to limit the definition of state growth-related capital investments to include investment by the State in 5 types of projects, to clarify what projects are not growth-related capital investment and to clarify the exceptions to the location requirements for projects in which the State makes growth-related capital investments. The amendment proposed to change to January 1, 2001 the date of application of the requirement that state growth-related capital investments must be made in certain locations.

The amendment proposed to exempt certain state facilities from the requirement that site selection criteria for state facilities give preference to priority locations. The amendment also proposed to specify that if a suitable priority location for a state facility does not exist or if a priority location would impose an undue hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in certain other areas suitable for growth.

The amendment proposed to change the list of infrastructure facilities for which impact fees may be used by municipalities to include public safety equipment and facilities rather than fire protection facilities.

The amendment proposed to restrict the existing exemption from review under the site location of development laws for certain developments located in municipalities with capacity to only those developments located within areas designated as growth areas in those municipalities.

The amendment proposed to strike the requirement that the Office of the State Fire Marshal convene a stakeholders group to review state codes and federal regulations and instead to incorporate that review into the development of a state downtown investment policy by the Department of Economic and Community Development.

The amendment proposed to change the membership of the Task Force to Study Growth Management and to clarify the requirement that the task force review impact fees.

The amendment proposed to require the Land and Water Resources Council to submit a report to the Legislature with an evaluation of the use of incentives to keep land in productive farming, fishing and forestry use and to require the Maine State Housing Authority to submit a report to the Legislature by February 15, 2001 regarding efforts to implement a home ownership program for service center downtowns.

The amendment proposed to correct an error in the bill by reducing the appropriation to the State Planning Office for growth management initiatives to the amount recommended by the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development and to

clarify the level of funding for planning grants to municipalities, grants to regional councils and alternative growth management initiatives.

Senate Amendment "A" to Committee Amendment "A" (S-792) proposed to strike that portion of the bill, as amended by the committee amendment, that would have established the Task Force to Study Growth Management. The amendment proposed to establish the Maine Downtown Center under the administration of the State Planning Office and to eliminate the appropriation of funds to establish a position of Director of the Maine Downtown Center.

See SP 1090 for the Task Force to Study Growth Management.

See LD 2510 (P.L. chapter 731) for the appropriation to the State Planning Office for growth management initiatives.

See LD 2334 (P.L. chapter 790, Party R) for corrections of errors.

Enacted law summary

Public Law 1999, chapter 776 establishes, but does not fund, the Downtown Leasehold Improvement Fund to assist state agencies in securing space in downtowns whenever possible by providing for capital improvements to real property leases. The law authorizes the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements. The law establishes the Maine Downtown Center to encourage downtown revitalization in Maine communities through advocacy, information, training and technical assistance to communities.

The law limits the State to making certain state growth-related capital investments only in locally designated growth areas as identified in local comprehensive plans, or, if there is no comprehensive plan, to areas with public sewers capable of handling the development, to areas identified as census designated places or to compact areas of urban compact municipalities as defined in transportation law. The law defines state growth-related capital investments as investment by the State in the following 5 types of projects: newly constructed multifamily rental housing; industrial or business parks; sewer, water and other utility lines; public service infrastructure, public facilities and community buildings; and state office buildings, state courts and other state civic buildings. Exceptions are made for certain types of projects. The law requires the Bureau of General Services to develop site selection criteria for state facilities that give preference to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities.

The law requires the State Board of Education to adopt major substantive rules relating to siting of new school construction projects that receive state funding. The law adds school facilities to the list of infrastructure facilities for which impact fees may be used by municipalities.

The law restricts the exemption from review under the site location of development laws for certain developments located in municipalities with capacity to developments located within areas designated as growth areas in those municipalities.

The law directs the Department of Economic and Community Development, the Land and Water Resources Council, the State Planning Office, the Department of Environmental Protection, the Maine State Housing Authority and the State Board of Education to submit reports to the Legislature on various issues related to land use and policies that affect development patterns.

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1072

LD 2604 proposed to implement the recommendations of the Department of Environmental Protection relating to measures to reduce nonpoint source pollution and improve water quality. The bill proposed to amend the natural resources protection laws to require a permit for the cutting or removal of vegetation, other than for farming or forest management activities, within 25 feet of small mapped streams. The bill proposed to require that sellers of residential real property and real estate brokers disclose additional information regarding subsurface wastewater disposal systems and information regarding land use laws affecting property located within the shoreland zone. The bill also proposed to require the Department of Environmental Protection and the Department of Human Services to submit a report to the Legislature by January 15, 2001 with recommendations for requiring inspections of old subsurface wastewater disposal systems at the time of real estate transfers.

Committee Amendment "A" (H-1072) proposed to direct the Board of Environmental Protection and the Maine Land Use Regulation Commission to adopt major substantive rules to regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. It proposed to require that the rules retain standards established under the laws related to mandatory shoreland zoning and natural resources protection when those standards are consistent. The amendment would not affect current laws and rules, as amended, that regulate the cutting or removal of vegetation prior to final adoption of the rules authorized by this amendment. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out a bill to the Second Regular Session of the 120th Legislature to amend statutes administered by the Department of Environmental Protection and the Maine Land Use Regulation Commission related to the cutting and removal of vegetation.

The amendment also proposed to require the Department of Environmental Protection, the Maine Land Use Regulation Commission and the Bureau of Forestry to jointly develop and implement an educational initiative to inform the public in all areas of the State about the standards for the cutting and removal of vegetation.

Enacted law summary

Resolve 1999, chapter 116 directs the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission to adopt and submit to the Legislature major substantive rules to regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The law authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out a bill to the Second Regular Session of the 120th Legislature to amend statutes administered by the Department of Environmental Protection and the Maine Land Use Regulation Commission related to the cutting and removal of vegetation.

The law also requires the Department of Environmental Protection, the Maine Land Use Regulation Commission and the Bureau of Forestry within the Department of Conservation to jointly develop and implement an educational initiative to inform the public in all areas of the State about the standards for the cutting and removal of vegetation.

LD 2615

Resolve, Regarding Legislative Review of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection

**RESOLVE 100
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2615 proposed to provide for legislative approval of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Enacted law summary

Resolve 1999, chapter 100 provides for legislative approval of Chapter 119: Motor Vehicle Fuel Volatility Limit, a major substantive rule of the Department of Environmental Protection.

Resolve 1999, chapter 100 was finally passed as an emergency measure effective April 5, 2000.

LD 2621

An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks

PUBLIC 640

Sponsor(s)
CAREY
TESSIER

Committee Report
OTP-AM

Amendments Adopted
S-618

LD 2621 proposed to extend by 15 months the date after which a person may not operate, maintain or store oil in certain underground oil storage facilities and tanks.

Committee Amendment "A" (S-618) proposed to extend the date after which a person may not operate, maintain or store oil in certain underground oil storage tanks to July 1, 2002. It also proposed to provide that the tank piping must be subject to monthly visual inspection.

Enacted law summary

Public Law 1999, chapter 640 extends the date after which a person may not operate, maintain or store oil in certain underground oil storage tanks to July 1, 2002. It also provides that the tank piping must be subject to monthly visual inspection.

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2639, reported by the Joint Standing Committee on Natural Resources pursuant to Public Law 1999, chapter 505, Part B, section 8, proposed to extend the date of final disbursement of funds from the Wells Waste Oil Clean-up Fund from April 1, 2000 to June 30, 2000 and to clarify that eligibility for loans or grants from the fund are limited to persons who are participants in a settlement agreement under which an entity has assumed liability for total response costs at the Wells waste oil disposal site.

Enacted law summary

Public Law 1999, chapter 604, reported by the Joint Standing Committee on Natural Resources pursuant to Public Law, extends the date of final disbursement of funds from the Wells Waste Oil Clean-up Fund from April 1, 2000 to June 30, 2000 and clarifies that eligibility for loans or grants from the fund are limited to persons who are participants in a settlement agreement under which an entity has assumed liability for total response costs at the Wells waste oil disposal site.

Public Law 1999, chapter 604 was enacted as an emergency measure effective March 31, 2000.

<u>Sponsor(s)</u> KIEFFER DUNLAP	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1051 MARTIN S-629
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LD 2642 proposed to require fish hatcheries, other than offshore aquaculture operations in estuarine or marine waters, to have a nutrient management plan under the nutrient management laws. It proposed to exempt fish hatcheries from needing a discharge license under the Department of Environmental Protection.

Committee Amendment "A" (S-629) proposed to require fish hatcheries, other than off-shore marine aquaculture operations, to have a nutrient management plan in accordance with rules adopted by the Commissioner of Agriculture, Food and Rural Resources. A nutrient management plan for a fish hatchery would address storage, management and use of fish waste from the hatchery. The amendment proposed to strike the emergency preamble and the emergency clause from the bill.

House Amendment "A" to Committee Amendment "A" (H-1051) proposed to require the nutrient management plan for a fish hatchery to have as its goal the improvement of water quality.

Enacted law summary

Public Law 1999, chapter 726 requires fish hatcheries, other than off-shore marine aquaculture operations, to have a nutrient management plan in accordance with rules adopted by the Commissioner of Agriculture, Food and Rural Resources. A nutrient management plan for a fish hatchery must address storage, management and use of fish waste from the hatchery with the goal of improving water quality.

LD 2674

An Act to Protect Maine Jobs and Natural Resources

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE HATCH	ONTP	

LD 2674 proposed to amend the site location of development laws to place certain restrictions on companies developing a significant groundwater aquifer for the purpose of selling bottled water. It proposed to require that an employer who operates an existing public water system, primarily distributes bottled water, has employees in this State and develops a significant groundwater aquifer may not discriminate against its current employees when hiring for the newly developed facility. The employer would be required to offer existing employees in good standing the opportunity to transfer to the same or a similar position, at the same or a similar wage, in the new facility.

LD 2688

**An Act to Establish Clean-up Standards for Decommissioning
Nuclear Facilities**

PUBLIC 741

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY RINES	OTP-AM	S-713

LD 2688 proposed to change the definition of “low-level radioactive waste” to exclude radioactive material remaining at the site of a decommissioned nuclear power plant if the site meets the United States Nuclear Regulatory Commission's requirements for release, is not used to dispose of radioactive material generated by a facility other than the plant and meets a state radiation dose standard established by the bill (same as that included in the final enacted version of LD 2496). The bill proposed to provide that if radioactive material is relocated and buried on the site and the site only meets less stringent federal standards, the site would be considered a low-level radioactive waste disposal facility subject to approval by the voters in a statewide referendum.

Committee Amendment "A" (S-713) proposed to modify the bill to provide that construction demolition debris at the site of a decommissioned nuclear power plant, other than below-grade, intact structures, must be treated as low-level radioactive waste unless the material can meet federal standards established for unrestricted use. Below-grade, intact structures on the site would be exempted from treatment as low-level radioactive waste only if the site meets the other enhanced state standards established by the bill. This amendment also proposed to remove from the bill language that would classify waste based on whether it is

relocated and a provision making reference to approval by the United States Nuclear Regulatory Commission as a precondition for the application of the Maine Revised Statutes, Title 38, section 1493.

Enacted law summary

Public Law 1999, chapter 741 changes the definition of low-level radioactive waste so as to exclude material left at the Maine Yankee Nuclear Power Plant site if all the following conditions are met: the site is approved by NRC for release (under federal standards); no radioactive material from off-site is disposed at the site; the site meets a specified residual radiation dose standard; and any construction demolition debris remaining at the site, other than below-grade, intact structures, meets federal standards established for unrestricted use. Below-grade, intact structures remaining on the site are exempted from the definition of “low-level radioactive waste” only if the site meets the other enhanced state standards established by the bill. The effect of this is that the site, if it meets these standards, would not be considered a low-level radioactive waste disposal or storage facility. A low-level radioactive waste disposal facility, under Maine law, must be owned by the state, requires specific approval of the Legislature, must be licensed by the NRC, and needs specific approval in a statewide referendum.

See Public Law 1999, chapter 739.

SP 1090

JOINT ORDER – Relative to the Task Force to Study Growth Management

PASSED

Sponsor(s)
TREAT

Committee Report

Amendments Adopted

Joint Order SP 1090 establishes the Task Force to Study Growth Management. The joint order gives the 14 member task force the following responsibilities: to conduct a targeted review of the growth management laws with the goal of improving the laws to make them more responsive to the issues of sprawl, to consider ways to clarify and improve the State’s enabling legislation for impact fees and to establish an advisory working group to review municipal subdivision law and its impact on local planning and growth management. The task force is required to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and may submit a bill implementing its recommendations for consideration by the 120th Legislature.

HP 1591

**JOINT RESOLUTION SUPPORTING THE EFFECTS OF THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION IN
PROTECTING THE PEOPLE AND RESOURCES OF MAINE
FROM OIL SPILLS**

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

Joint Resolution HP 1591 proposed to affirm and support, through a resolution to be transmitted to the Governor, the Commissioner of Environmental Protection and the United States Attorney General, the efforts of the Department of Environmental Protection in protecting the people and resources of Maine from unsafe oil tanker operations and oil spills.

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